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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,591	11/26/2003	Mooi Choo Chuah	CHUAH 76-11 (LCNT/126067)	7590
46363 7590 01/03/2007 PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			EXAMINER LEE, JOHN J	
			ART UNIT 2618	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/723,591

Applicant(s)

CHUAH ET AL.

Examiner

JOHN J. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13, 15-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 7, 14, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/5/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 – 6, 8 – 13, 15 – 17 and 19** are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (US 2004/0131026).

Regarding **claims 1 and 8**, Kim teaches that multicasting a message to a plurality of users (Fig. 4 and pages 3, paragraphs 26 – 28). Kim teaches that establishing a power ratio threshold adapted to enable reliable transmission of said message (Fig. 4 and pages 3, paragraphs 26 – 28, where teaches a power threshold and a waiting time provided from the radio network controller (establishing a power ratio threshold, the network sets the power ratio threshold for reliable signal transmission) before receiving the measurement command). Kim teaches that comparing the established power ratio threshold to measured power ratios associated with said plurality of users (Fig. 4, pages 3, paragraphs 26 – 28, and pages 4, paragraphs 43 – pages 5, paragraphs 48, where teaches a power threshold and a waiting time provided from the radio network controller before receiving the measurement command and issuing a command to measure total transmission power of a dedicated channel providing the multimedia broadcast/ multicast service in the cell, and receiving, by the radio network controller, a report on the measurement result in

which the total transmission power measured in response to the measurement command exceeds the power threshold for the waiting time (comparing the total transmission power and a power ratio threshold by the measurement command)). Kim teaches that determining a first subset (selecting the number of user equipments located in a particular cell is smaller than a threshold) of the plurality of users (user equipments) and a second subset (selecting the number of user equipments located in a particular cell is larger than or equal to the threshold) of the plurality of users based upon the measured power ratios (pages 6, paragraphs 61 – 63, Fig. 5, 8, and pages 8, paragraphs 89 – pages 9, paragraphs 91, where teaches selecting the number of user equipments located in a particular cell is smaller than a threshold and a particular cell is larger than or equal to the threshold based on the power measurement report message). Kim teaches that delivering said message to the first subset of the plurality of users via a first transmission scheme (pages 6, paragraphs 61 – pages 7, paragraphs 75, Fig. 5, 8, and pages 8, paragraphs 89 – pages 9, paragraphs 91, where teaches transmitting notification message to the first group of user equipments with determined first transmission scheme).

Regarding **claims 2 and 9**, Kim teaches that delivering said message to the second subset of the plurality of users via a second transmission scheme (pages 6, paragraphs 61 – pages 7, paragraphs 75, Fig. 5, 8, and pages 8, paragraphs 89 – pages 9, paragraphs 91, where teaches transmitting notification message to the second group of user equipments with determined second transmission scheme).

Regarding **claims 3 and 10**, Kim teaches that the first transmission scheme delivering said message to the first user subset is via a broadcast channel (pages 6,

paragraphs 61 – pages 7, paragraphs 75, Fig. 5, 8, and pages 8, paragraphs 89 – pages 9, paragraphs 91, where teaches transmitting notification message to the first group of user equipments with determined first transmission scheme via a multimedia broadcast service).

Regarding **claims 4 and 11**, Kim teaches that the second transmission scheme delivering said message to the second user subset is via respective dedicated channels (pages 6, paragraphs 61 – pages 7, paragraphs 75, Fig. 5; 8, and pages 8, paragraphs 89 – pages 9, paragraphs 91, where teaches transmitting notification message to the second group of user equipments with determined second transmission scheme via a dedicated channels).

Regarding **claims 5 and 12**, Kim teaches that periodically measuring the respective power ratios of said plurality of users (pages 5, paragraphs 47 – 48 and Fig. 4, where teaches periodically measuring the total power ratio of the user equipments).

Regarding **claims 6 and 13**, Kim teaches that continuously measuring the respective power ratios of said plurality of users (pages 6, paragraphs 59 – 63 and Fig. 5, where teaches continuously measuring the power ratio of the user equipments).

Regarding **claim 15**, Kim teaches all the limitation as discussed in claim 1. Furthermore, Kim further teaches that an intermediate multicasting module (multicasting service) adapted for receiving said messages and collecting information indicative of power transmission requirements (Fig. 4, pages 3, paragraphs 26 – 28, and pages 4, paragraphs 43 – pages 5, paragraphs 48, where teaches receiving a power threshold and a waiting time provided from the radio network controller before receiving the

measurement command and issuing a command to measure total transmission power of a dedicated channel providing and the multicast service in the cell, and receiving, by the radio network controller, a report on the measurement result (collecting information indicating of the power requirement) in which the total transmission power measured in response to the measurement command exceeds the power threshold for the waiting time (comparing the total transmission power and a power ratio threshold by the measurement command), and transmits notification of power requirement), Kim teaches that IMM transmitting said messages via two different transmission schemes (PTP and PTM) according to the power transmission requirement information (pages 6, paragraphs 61 – pages 7, paragraphs 75, Fig. 5, 8, and pages 8, paragraphs 89 – pages 9, paragraphs 91, where teaches transmitting notification message to the first and second group of user equipments with determined first and second transmission scheme based on power requirement command).

Regarding **claim 16**, Kim teaches that the intermediate multicasting module further comprises a node-B (node-B in Fig. 4) element and a radio network controller (RNC in Fig. 4) (Fig. 4 and pages 4, paragraphs 43 – pages 5, paragraphs 48).

Regarding **claim 17**, Kim teaches that the node-B element collects the information indicative of power transmission requirements (Fig. 4 and pages 4, paragraphs 43 – pages 5, paragraphs 48, where teaches node-B receives and collects the power transmission requirement information).

Regarding **claim 19**, Kim teaches that the two different transmission schemes are broadcasting to a first subset of said plurality of users and unicasting (multicast) to a

second subset of said plurality of users (pages 6, paragraphs 61 – 63, Fig. 5, 8, and pages 8, paragraphs 89 – pages 9, paragraphs 91, where teaches selecting the number of user equipments located in a particular cell is smaller than a threshold and a particular cell is larger than or equal to the threshold based on the power measurement report message, and broadcasts and multicasts first and second group of users).

Allowable Subject Matter

3. Claims 7, 14, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art record fails to disclose the limitation “the step of determining is performed by evaluating an specific equation formula with explanations, and the information indicative of power transmission requirements is a ratio measure of a pilot power signal broadcast from a source to one of said plurality of users to received power plus noise density of the pilot power signal received by said one of said plurality of users” as specified in the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kumaki et al. (US 2002/0191562) discloses Router Device, Datagram Transfer Method and Communication System Realizing Handoff Control for Mobile Terminals.

Kim et al. (US 2003/0153346) discloses DSCH Power Control Method for WCDMA.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
Or P.O. Box 1450
Alexandria VA 22313

or faxed (571) 273-8300, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters, Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00

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pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Edward Urban**, can be reached on (571) 272-7899. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
December 21, 2006

John J Lee

Nguyen Vo
12-26-2006

NGUYENT.VO
PRIMARY EXAMINER